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No. 83-15

IN THE

SUPREME COURT OF THE UNITED STATES

OCTOBER TERM, 1983

JOHN F. SALSBURY, AS PARENT, NATURAL GUARDIAN AND ADMINISTRATOR OF THE ESTATE OF SCOTT EDWARD SALSBURY, Petitioner

vs.

SAINT VINCENT HOSPITAL, DISTRICT ATTORNEY VESHECCO, AND COUNTY DETECTIVE TROMBETTA, Respondents

SUPPLEMENTAL BRIEF BY PETITIONER

John F. Salsbury
7246 McGill Road
Harborcreek, PA 16421
(814) 899-2071

Petitioner, Pro Se

Respondents' Counsel:

Timothy J. Lucas
Office of District Attorney

John M. Quinn, Sr.
For St. Vincent Health Center

QUESTION PRESENTED

Is it a denial of equal access to justice, for the Federal Courts, to allow a Defendant the rights to discovery, which includes deposing for the record as many of their witnesses as they may chose, while denying the Plaintiff any of these same rights, which would serve to maintain Plaintiff's rights before the Court?

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INFORMATION THAT HAS BECOME A MATTER OF RECORD IN STATE COURT THAT DEFENDANTS, IN THEIR PLEADINGS, BELIEVED TO BE UNFOUNDED AT THE TIME OF PARTY'S LAST FILING BEFORE THE FEDERAL COURTS.

Petitioner has stated that the District Attorney Veshecco is a Corporate Member of the Board with St. Vincent Health Center.

A. Before the Federal District Court, Defendant, St. Vincent Hospital, filed a motion to dismiss dated January 12, 1983, in which they stated on Page 2, No. 5:

"The alleged association between St. Vincent Hospital and the District Attorney's Office is insufficient as a matter of law to give rise to a finding that St. Vincent Hospital is a State Actor subject to liability . . . . . "

Before the Federal District Court, Plaintiff, John F. Salsbury, filed arguments against dismissal dated January 22, 1983 in which was stated on Page 4, No. 5:

"Plaintiff did not assert that the District Attorney's Office was associated with the hospital but that the District Attorney himself is associated with the hospital. "

INFORMATION THAT HAS BECOME MATTER OF RECORD IN STATE COURT . . . .

B. Before the Federal District Court, Defendant, St. Vincent Hospital, filed a motion to extend time for filing brief, dated January 25, 1983, in which they stated on Page 2, No. 4:

"Said pleading makes certain factual allegation which, even though the Defendant Health Center believes to be unfounded, must be resolved by Depositions of the Plaintiff and of the Officials at Saint Vincent Health Center."

C. Before the Superior Court of Pennsylvania Case No. 273 PITTSBURGH 1983, Defendant, St. Vincent Health Center, has stated in their brief on Page 27 that the District Attorney is a Corporate Member of the Hospital.

INFORMATION THAT HAS BECOME MATTER OF RECORD IN STATE COURT . . . .

The District Attorney is a Corporate Member of the Board.

While the Respondents were attempting to mislead the Federal Court in an effort to gain discovery in a manner that would allow them to make as a part of the record testimony of their witnesses who are not disinterested parties, in an effort to gain a dismissal. They had at the same time before them a list in alphabetical order by last name of all the members of its Corporate Board.

At the time Respondents were addressing the Federal Court, they had full knowledge that the District Attorney and his Father were the only names so listed: As Michael J. Veshecco and M. J. Veshecco.

D. Before the Federal District Court, Defendant, St. Vincent Hospital, filed a motion to extend time for filing brief, dated January 25, 1983 in which they stated on Page 2, No. 4:

INFORMATION THAT HAS BECOME MATTER OF RECORD IN STATE COURT . . . .

"Without said Deposition Evidence available to your Honorable Court, the Court cannot make a meaningful disposition of the Motion of Saint Vincent Health Center to dismiss Plaintiff's Complaint . . . . ."

The reading of the transcript of proceedings in the Court of Common Pleas of Erie County Pennsylvania, Case No. 856-A-1982, will show that there can be no doubt that the integrity of the Respondents are such that no discovery should be allowed without Petitioner having equal rights.

For this purpose, Petitioner is requesting of the Court of Common Pleas of Erie County to certify the exhibits and the sworn testimony of the following persons:

1. Dr. Jeffrey J. Bednarski
   Deposed February 10, 1983

2. Private Investigator
   Raymond Hipwell
   Deposed September 9, 1982

3. Dr. James E. Mraz
   Deposed November 17, 1982

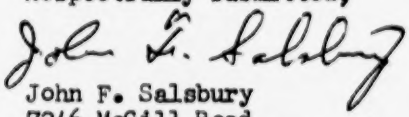
4. Bonnie Rossey
   Deposed September 27, 1982

INFORMATION THAT HAS BECOME MATTER OF RECORD IN STATE COURT . . . .

5. Attorney Thomas Dana Watson
Deposed October 14, 1982

The exhibits and the date of their occurance and how they relate to the testimony are very important to the standing of this case, and Petitioner respectfully requests the Court to review this matter as it relates to the standing of this case before the Supreme Court of the United States.

Respectfully submitted,



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Respondents' Counsel:

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St. Vincent Health Center

CERTIFICATE OF SERVICE

I hereby certify that three copies of this Supplemental Brief by Petitioner were sent this thirty-first day of August 1983 by first-class United States Mail to the following parties of record or their counsel, pursuant to Rule 28.3 of the Rules of the Supreme Court of the United States:

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